

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

MELVIN FRAZIER, JR.,

Plaintiff,

v.

AL PACINO,

Defendant.

Case No. 2:22-cv-00276-ART-DJA

ORDER

Pro se Plaintiff Melvin Frazier Jr. brings this action under 42 U.S.C. § 1983. Before the Court is the Report and Recommendation (“R&R” or “Recommendation”) of United States Magistrate Judge Daniel J. Albregts (ECF No. 9), recommending Plaintiff’s action be dismissed for failure to apply to proceed *in forma pauperis* or pay the filing fee. Plaintiff had until July 5, 2022 to file an objection. To date, no objection to the R&R has been filed. For this reason, and as explained below, the Court adopts the R&R, and will dismiss Plaintiff’s action.

The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party fails to object to a magistrate judge’s recommendation, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.”) (emphasis in original); Fed. R. Civ. P. 72, Advisory Committee Notes (1983) (providing that

1 the Court “need only satisfy itself that there is no clear error on the face of the
2 record in order to accept the recommendation.”).

3 Because there is no objection, the Court need not conduct de novo review,
4 and is satisfied Judge Albregts did not clearly err. I incorporate Judge Albregts
5 analysis by reference here. (ECF No. 9). Here, Judge Albregts recommends
6 dismissing Plaintiff’s action for failure to apply to proceed *in forma pauperis* or
7 pay the filing fee. Plaintiff was previously warned that if he did not “file a complete
8 application or pay the full \$402 filing fee. . . on or before July 5, 2022, the Court
9 will recommend dismissal of this case.” (ECF No. 7 at 1). Plaintiff failed to apply
10 to proceed *in forma pauperis* or pay the filing fee.

11 Therefore, the Court agrees with Judge Albregts. Having reviewed the R&R
12 and the record in this case, the Court will adopt the R&R in full.

13 IT IS THEREFORE ORDERED that Judge Albregts’ Report and
14 Recommendation (ECF No. 9) is accepted and adopted in full.

15 IT IS FURTHER ORDERED THAT this case be dismissed based upon
16 Plaintiff’s failure apply to proceed *in forma pauperis* or pay the full filing fee.

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18 The Clerk of Court is directed to administratively close this case.

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20 DATED THIS 28th Day of September 2022.

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23 ANNE R. TRAUM
24 UNITED STATES DISTRICT JUDGE
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